

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF OKLAHOMA

ARIANA MCDADE) JURY TRIAL DEMANDED
Plaintiff,)
)
v.) Case No. CIV-23-1185-D
)
JANUARY TECHNOLOGIES, INC.,)
Defendant.)
)
)

COMPLAINT AND DEMAND FOR JURY TRIAL

I. INTRODUCTION

1. This is an action for actual and statutory brought by Plaintiff Ariana McDade an individual consumer, against Defendant, January Technologies, Inc., (“January”) for violations of the Fair Debt Collection Practices Act, 15 U.S.C § 1692 *et seq.* (hereinafter “FDCPA”), which prohibits debt collectors from engaging in abusive, deceptive, and unfair practices.

II. JURISDICTION AND VENUE

2. Jurisdiction of this court arises under 15 U.S.C § 1692k(d) 28 U.S.C 1331. Venue in this District is proper in that the Defendants transact

business in Oklahoma City, Oklahoma County, Oklahoma, and the conduct complained of occurred in Oklahoma City, Oklahoma County, Oklahoma.

III. PARTIES

3. Plaintiff Ariana McDade (hereinafter “Ms. McDade”) is a natural person residing in Oklahoma City, Oklahoma County, Oklahoma. Ms. McDade is a consumer as defined by the Fair Debt Collection Practices Act, 15 U.S.C. §1692a(3).
4. Upon information and belief, Defendant January is a New York corporation with its principal place of business located at 176 Grand Street, 4th Floor New York, NY 10013..
5. Defendant January is engaged in the collection of debt from consumers using the mail and telephone. Defendant regularly attempt to collect consumers’ debts alleged to be due to another’s. The alleged debt arose from a financial obligation that was primarily for personal, family or household purposes and is therefore a “debt as that term is defined by 15 U.S.C. §1692a(5).

IV. FACTS OF THE COMPLAINT

6. Defendant January (hereinafter referred to as “Debt Collector”) is a “debt collector” as defined by the FDCPA, 15 U.S.C 1692a(6).

7. On or about November 27, 2023, Ms. McDade received an email from January attempting to collect a debt owed to Cascade Springs Credit.
8. On or about December 13, 2023 Ms. McDade sent an email back “I refuse to pay the debt.” Pursuing to 15 U.S.C 1692c(c).
9. On or about December 27, 2023 Ms. McDade received an email from January *“Dear Ariana Mcdade, We are reaching out to you regarding outstanding balance with Cascade Springs Credit The is your final opportunity to settle for 50% of the principal balance due. Below you will find details regarding your final settlement offer.* Seeking payment which was in violation of 15 USC 1692c(c).
10. Plaintiff has suffered actual damages as a result of these illegal collection communications by these Defendant in the form of anger, anxiety, seclusion upon intrusion, decreased ability to focus on task while at work, frustration, amongst other negative emotions.

V. FIRST CLAIM FOR RELIEF
(Defendant January Technologies, Inc.,)
15 U.S.C. §1692c(c)

11. Ms. McDade re-alleges and reincorporates all previous paragraphs as if fully set out herein.
12. The Debt Collector violated the FDCPA.

13. The Debt Collector's violations include, but are not limited to, the following:

The Debt Collector violated 15 U.S.C § 1692c(c) of the FDCPA by failing to cease collection after receiving written notice.

14. As a result of the above violations of the FDCPA, Defendant are liable to the Ms. McDade actual damages, statutory damages and cost.

VI. JURY DEMAND AND PRAYER FOR RELIEF

WHEREFORE, Plaintiff Mr. Whitehorn respectfully demands a jury trial and requests that judgment be entered in favor of Plaintiff and against the Debt Collector for:

- A. Judgment for the violations occurred for violating the FDCPA;
- B. Actual damages pursuant to 15 U.S.C 1692k(1)(2);
- C. Statutory damages pursuant to 15 U.S.C 1692k(2);
- D. Cost and reasonable attorney's fees pursuant to 15 U.S.C 1692k(3);
- E. For such other and further relief as the Court may deem just and proper.

Respectfully submitted:

s/ Nkem A. House

Nkem A. House, OBA #21219

House Law Group
425 W. Wilshire Blvd., Ste. E
Oklahoma City, OK 73116
405.633.1709 (telephone)
housetlawfirm@gmail.com (email)
ATTORNEY FOR PLAINTIFF